

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF KENTUCKY
NORTHERN DIVISION
AT COVINGTON

CIVIL ACTION NO. 2009-219 (WOB)

SARAH JONES

PLAINTIFF

VS.

ORDER

DIRTY WORLD ENTERTAINMENT
RECORDINGS, LLC d/b/a
Thedirt.com, ET AL.

DEFENDANTS

This matter is before the Court on defendants' second motion for summary judgment (Doc. 177). The Court has reviewed this matter and concludes that oral argument is unnecessary.

Having considered defendants' arguments, the Court concludes that the renewed motion for summary judgment should be denied for the reasons set forth in the Court's previous opinion. (Doc. 76).

Further, the Court will deny defendants' alternative motion for leave to take an interlocutory appeal because it is inappropriate at this stage of the litigation and would unduly delay resolution of this case. That is, the Court of Appeals is not required to accept the interlocutory appeal and, in fact, accepts very few such appeals. New briefs would have to be filed in the Sixth Circuit, and it

is thus probable that granting this motion would only result in the loss of several months.

Moreover, the first trial herein took less than a week, as would the second trial. It is unlikely that there would be a second hung jury, and after a verdict, the losing party may appeal as of right to the Sixth Circuit. That Court will then be in a position to review all the issues in this case, including any questions of immunity, on a fully-developed record.

The Court thus concludes that judicial economy is most favored by proceedings directly to trial.

Therefore, having reviewed this matter, and being otherwise sufficiently advised,

IT IS ORDERED that defendants' second motion for summary judgment (Doc. 177) be, and is hereby, **DENIED**.

This 18th day of April, 2013.



Signed By:

William O. Bertelsman *WOB*

United States District Judge